

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

TRACK THREE

MDL No. 2804

Case No. 17-md-2804

Judge Dan Aaron Polster

CVS'S TRIAL EXHIBIT LIST

CVS Pharmacy, Inc., Ohio CVS Stores, LLC, CVS TN Distribution, L.L.C., CVS Rx Services, Inc., and CVS Indiana, L.L.C. ("CVS") submit their trial exhibit list pursuant to the Track Three Civil Jury Trial Order, Doc. 3758, and the Joint Trial Exhibit List Stipulation agreed to by the parties.

By submitting this trial exhibit list, CVS does not intend to waive, and expressly reserves, all rights afforded under the Track Three Civil Jury Trial Order, the Joint Trial Exhibit Stipulation, and any applicable federal and local rules to amend, modify, withdraw, and supplement this trial exhibit list prior to and during trial. This includes without limitation the right: (1) to withdraw at any time any exhibit identified on this list; (2) to use admissible exhibits identified on any party's exhibit list, including any party who later settles, is severed, or is dismissed; (3) to supplement and/or amend this list upon receipt of Plaintiffs' exhibit list(s), witness list(s), and amendments or changes to the parties' deposition designations or counter-designations; (4) to supplement and/or to amend this list in the event that additional relevant documents or materials are produced in this action, identified in subsequent supplemental expert reports, or are subsequently discovered; (5) to supplement this list with any medical or scientific literature, other data, or regulatory findings or communications issued or published after the date of this submission; (6) to supplement and/or to

amend this exhibit list to use additional unlisted documents and/or data at trial as required for rebuttal, cross examination, demonstrative purposes, impeachment purposes, or to cure an evidentiary objection, or to the extent Plaintiffs proffer any documents which Plaintiffs have not listed or to the extent that Plaintiffs purport to pursue claims or theories not set forth in their pleadings to date; (7) to supplement and/or to amend this exhibit list in response to rulings of the Court on pretrial motions or in response to any other Court decisions that affect the scope of evidence to be introduced in this trial; and (8) to supplement and/or amend this list as necessary based on the severance, settlement, or dismissal of any party.

CVS reserves the right to object to the introduction and/or admissibility of any document on its exhibit lists or on any other party's exhibit list. The inclusion of a particular document on CVS's exhibit list does not waive CVS's right to object to the introduction and/or admissibility of that document for any purpose. Certain documents on CVS's list may pertain to topics that are ultimately excluded from evidence at trial by motions *in limine* or a *Daubert* motion. By listing such exhibits, CVS does not intend to waive any right to object to the introduction and/or admissibility of those documents for any purpose. CVS reserves the right to use any deposition transcripts and any exhibits to deposition transcripts for any witnesses being called to testify at trial and the right to use any deposition exhibits or other documents associated with any testimony that has been or will be designated or counter-designated by any party. CVS reserves the right to use any and all documents, data, or materials on any other party's exhibit list, including the list of any party who may settle, be severed, or otherwise be dismissed. The inclusion of any exhibit on CVS's list does not waive or affect any prior confidentiality designations in this litigation.

Further, CVS reserves the right to use alternative copies of exhibits on its list where appropriate, including but not limited to physical, color, redacted, more legible, and/or native

documents, copies with or without deposition exhibit stickers, or copies with or without confidentiality designations. CVS also reserves the right to use at trial summaries created in accordance with the federal rules and demonstrative exhibits, including without limitation charts, graphs, photographs, animations, timelines, objects, models, PowerPoint slides, drawings, graphics, and other demonstrative aids. CVS further reserves the right to offer enlargements of any exhibits on its list or on any other party's list.

Dated: September 10, 2021

Respectfully submitted,

/s/ Eric R. Delinsky

Eric R. Delinsky

Alexandra W. Miller

ZUCKERMAN SPAEDER LLP

1800 M Street NW, Suite 1000

Washington, DC 20036

Tel: (202) 778-1800

E-mail: edelinsky@zuckerman.com

E-mail: smiller@zuckerman.com

Counsel for CVS Pharmacy, Inc., Ohio CVS Stores, LLC, CVS TN Distribution, L.L.C., CVS Rx Services, Inc., and CVS Indiana, L.L.C.